

10/16/01
J1129 U.S. PTO

09/07/2009 10:16:01

PATENT
Customer Number 22,852
Attorney Docket No. 6530.0145-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Jc821 U.S. PTO
09/977289
10/16/01

Prior Application Art Unit: 3736 Prior Application Examiner: P. Wingood

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/079,168 filed May 15, 1998 of Vincent TURTURRO et al. for BIOPSY INSTRUMENT HAVING IRRIGATION AND ASPIRATION CAPABILITIES

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/079,168 as originally filed on May 15, 1998, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☒ Cancel Claims 7-85.
5. ☒ A Preliminary Amendment is enclosed.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee					\$740	\$ 740.00
	Number of Claims		Basic	Extra Claims		
Total Claims	6	-	20	0	x \$18	0
Independent Claims	1	-	3	0	x \$84	0
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	0
Subtotal						\$ 740.00
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 740.00

7. ☒ A check in the amount of \$740.00 to cover the filing fee is enclosed.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

8. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before the first line, the following new paragraph:
- This is a ☐ continuation ☒ division of application Serial No.09/079,168, filed May 15, 1998 which is a CIP of 08/756,260, filed November 25, 1996, both of which are incorporated herein by reference.
10. ☒ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: Scimed Life Systems, Inc.
12. ☐ Priority of application Serial No. , filed on in is claimed under 35 U.S.C. § 119. A certified copy
- ☐ is enclosed or ☐ is on file in the prior application.
13. ☐ A verified statement claiming small entity status
- ☐ is enclosed or ☐ is on file in the prior application.
14. ☒ The power of attorney in the prior application is to at least one of the following:
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.,
 Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630;
 Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G.
 Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D.
 Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E.
 Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke,
 Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg.
 No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg.
 No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg.
 No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg.
 No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg.
 No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619;
 Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605;
 Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert
 Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman
 Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H.
 Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X.
 Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C.
 Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers,
 Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg.
 No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg.
 No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg.
 No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg.
 No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No.
 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409;

LAW OFFICES

FINNEGAN, HENDERSON,
 FARABOW, GARRETT,
 & DUNNER, L.L.P.
 1300 I STREET, N. W.
 WASHINGTON, DC 20005
 202-408-4000

09/079,168


No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; and David A. Manspeizer, Reg. No. 37,540.

15. ☒ The power appears in the original declaration of the prior application.
16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
18. ☐ Recognize as associate attorney Leslie I. Bookoff, Reg. No. 38,084
and Jeanne M. Tanner, Reg. No. 45,156
19. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/078,168, filed May 15, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 16, 2001

By: 
Jeanne M. Tanner
Reg. No. 45,156

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-406-4000

09/078,168, filed May 15, 1998